UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,304	08/30/2001	Ruth Sarah Daly	CA920010013US1/2179P	8736

7590 08/09/2005	EXAMINER
SAWYER LAW GROUP P.O. Box 51418 Palo Alto, CA 94303	FOWLKES, ANDRE R

ART UNIT	PAPER NUMBER
2192	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)	
Advisory Action *Before the Filing of an Appeal Brief*	09/943,304	DALY, RUTH SARAH	
	Examiner	Art Unit	
	Andre R. Fowlkes	2192	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>13 July 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: <u>1-27</u>.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☒ Other: <u>See Continuation Sheet.</u>

ANTONY NGUYEN-BA
PRIMARY EXAMINER

Continuation of 13. Other: Applicants arguments have been considered but they are not persuasive.

In the remarks, the applicant has argued substantially that:
1)   AAPA does not teach the combination of "a model map for mapping the notify objects of the notify model to associated target objects in the target model," and "an action operator for performing the action on one or more target objects in the target model in response to a modification of a selected notify object," wherein "the action operator performs the action on one or more identified target objects associated with the modified selected notify object, the one or more identified target objects being determined with reference to the model map," as recited in independent claim 1, at p. 12:20-13:2 and 13:20-23.

Examiner's response:
1)   AAPA discloses a mapping of notify objects of a notify model to associated target objects of a target model at 11:5-9 as addressed in the above art rejection. The example of 11:5-9 discloses that "a file in the source model (i.e. notify object of a notify model) is changed and an object model (i.e. target object of a target model) is (automatically) modified in response to the file change. In this first exemplary scenario the source model is the notify model, and the object model is the target model". AAPA also discloses performing actions consistent with those performed by the action operator, as addressed above in the art rejection.

In the remarks, the applicant has argued substantially that:
2)   Nowhere does paragraph 11 specifically state that there is a mapping of notify objects of a notify model to associated target objects of a target model, at p. 13:4-19.

Examiner's response:
2)   AAPA discloses a mapping of notify objects of a notify model to associated target objects of a target model at 11:5-9 as addressed in the above art rejection. The example of 11:5-9 discloses that "a file in the source model (i.e. notify object of a notify model) is changed and an object model (i.e. target object of a target model) is (automatically) modified in response to the file change. In this first exemplary scenario the source model is the notify model, and the object model is the target model" Applicant's assistance is appreciated in pointing out how the instant claims are distinct over AAPA.

In the remarks, the applicant has argued substantially that:
3)   The examiner fails to point out specifically where the description of AAPA mentions an "action operator" as recited in the present invention, at p. 13:20-22.

Examiner's response:
3)   AAPA discloses performing actions consistent with those performed by the action operator, as addressed above in the art rejection. Applicant's assistance is appreciated in pointing out how the action operators actions are different from those performed by the system of AAPA.

In the remarks, the applicant has argued substantially that:
4)   In reference to claim 1, AAPA does not disclose that action (e.g., a validation check) is performed only on the affected parts of the target model, at p. 14:5-10.

Examiner's response:
4)   In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that actions are performed only on the affected parts of the target model) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In the remarks, the applicant has argued substantially that:
5)   Atkinson does not disclose that the "model map is one of a lookup table and a database", at p. 17:9-16

Examiner's response:
5)   The examiner disagrees with applicant's characterization of the applied art. Atkinson does disclose that the model map is one of a lookup table and a database at col. 3:36-39, as addressed in the above art rejection. Additionally, databases and lookup tables are well know and well documented in the art and the inclusion of either one will not render an otherwise obvious invention as non-obvious.

In the remarks, the applicant has argued substantially that:
6)   AAPA in view of Atkinson does not disclose the cooperation of elements as recited in dependent claims 4, 14 and 26, at p. 17:17-18.

Examiner's response:
6)   Applicant's argument fails to comply with 37 CFR 1.111(b) because it amounts to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The Examiner has cited the relevant portions of the reference(s) that are believed to anticipate/render obvious the limitations of Applicant's claimed invention. Applicant has not asserted any technical   argument, supported by proper evidence, against these references.